

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Part-Heard

Petition(s) for Special Leave to Appeal (Civil) No(s).18740/2005

(From the judgement and order dated 08/08/2005 in LPA No. 830/2005 in SCA No. 9847/2005 of The

HIGH COURT OF GUJARAT AT AHMEDABAD)

KISHANSING TOMAR

Petitioner(s)

VERSUS

MUNICIPAL CORP.OF THE CITY, AHMEDABAD

Respondent(s)

(With appln(s) for exemption from filing certified copy or ordinary copy or plain copy of the impugned order and with prayer for interim relief and office report)

Date: 13/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Yatin N. Oza, Sr.Adv.

Mr. S.U.K.Sagar, Adv.

Ms. Bina Madhavan, Adv.

Mrs. Pooja N. Gupta, Adv.

Ms. Susan Zachariah, Adv.

Mr. Hemal K. Sheth, Adv.

for M/s. Lawyer'S Knit & Co,Advs.

For Respondent(s)

No.1: Ms. Sumita Hazarika, Adv.
No.2: Mr. Mukul Rohtagi, Sr.Adv.
Mrs. Hemantika Wahi, Adv.
Ms. Pinky Behera, Adv.
No.3: Mr. Dushyant Dave, Sr.Adv.
Mr. Rutwik Panda, Adv.

UPON hearing counsel the Court made the following

O R D E R

Writ Petition filed by the petitioner in the High Court of Gujarat at Ahmedabad praying for direction to the respondents to take all urgent steps necessary for the purpose of holding election to constitute the Municipal Corporation of the City of Ahmedabad before the expiry of its term was disposed of by a

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learned Single Judge in terms of decision dated 23rd June, 2005 where by the learned

Single Judge accepted the suggestion of the State Election Commission as to the time

frame for conduct and conclusion of the election. It was directed that the time frame

must be strictly followed and election completed latest by 31st December, 2005. Letters

Patent Appeal filed by the petitioner has been dismissed by a Division Bench of the High

Court in terms of the impugned judgment dated 8th August, 2005 wherein the High

Court has, inter alia, observed that the appointment of Administrator during the short interregnum cannot be dubbed as illegal. The five years' terms of the Corporation would expire on 15th October, 2005.

The matter involves interpretation of various Articles of Part IX-A of the Constitution, including Articles 243P, 243T, 243U, 243ZA and 243ZF and requires consideration. Accordingly, we grant leave.

Since the questions involved are of interpretation of various provisions of the Constitution, having regard to Article 145(3), the appeal shall be placed for hearing before a Constitution Bench.

Having heard learned counsel for the parties, without prejudice to the rights and contentions, subject matter of the appeal, we are of the view that the new Corporation shall be constituted on or before 15th October, 2005.

We accept the alternate proposed election programme for Ahmedabad Municipal Corporation, as submitted by Mr.Dave, learned senior counsel, before this Court. It reads thus:

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|---------|----|--------------------------------|-------------|
| " | 1) | Date of Notice | 15-9-2005 |
| | 2) | Last date of making nomination | 22-9-2005 |
| | 3) | Date of Scrutiny | 24-9-2005 |
| | 4) | Last date of withdrawal | 27-9-2005 |
| 10-2005 | 5) | Date of Poll | 13-10-2005 |
| | 6) | Date of counting | 15-10-2005" |

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master